

OBTAINING AN ORDER OF DEFAULT ON THE FAMILY LAW MOTIONS CALENDAR

King County Family Law Facilitators: Instruction # D-6
RCW 26.09, King County Local Rules
(May be used for dissolution, legal separation or invalidity action)

*If your spouse/partner did **not** file a RESPONSE to your Petition, but did “appear” in your case in any other way (such as by filing a NOTICE OF APPEARANCE, letter or note, or by showing up at any hearings you may have had in your case), you may request that the Court enter an Order of Default in your case in the Family Law Department. Even if the Order of Default is signed, the Family Law Commissioner will **not** be able to sign your final documents (Findings, Decree, etc) that morning. To prepare for the possibility that an Order of Default is entered, you may want to schedule a hearing for your final dissolution at 1:30pm in Ex Parte on the same day you schedule the Default hearing in Family Law. See Step 5 regarding procedures for finalizing your dissolution or other action in Ex Parte.*

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

- [Note for Motion Docket, Kent or Seattle](#)
Make sure that you have the correct form, for either Seattle or Kent. Choose a court date **at least 14 days** after the day you plan to have the other party served with a copy of your “motion packet,” not counting the day of service (17 days if service will be by mail). You may choose any weekday for your hearing that is not a court holiday. Your hearing will be at 9:00 a.m. on whatever day you choose. Write in the court date you have chosen, the day of the week of the hearing, and the nature of your motion (“Motion for Default). in the section labeled, “FAMILY LAW MOTION...”, check the box for “Domestic Motion.” In the appropriate section, sign and print your name, and indicate your service address. Also, write the other party’s name and service address on the second page of this form.
- [Motion and Declaration for Default, WPF DRPSCU 03.0100](#)
Complete this form by filling in the appropriate information that pertains to your specific situation.
- [Declaration, WPF DRPSCU 01.0100](#)
Use this form to let the court know about your situation in more detail. Others who know about your case may write a declaration on your behalf.
- [Order on Motion for Default, WPF DRPSCU 03.0200](#)
Fill out this form according to how you would like the Commissioner to rule on the day of your hearing.

- **Declaration of Mailing or Delivery form or [Return of Service, WPF DRPSCU 01.0250](#)**

See Step 3 to determine which form to use in order to prove that the other party was served with notice of this motion.

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitator's office for a "Legal Resource List" or the King County Bar Association Lawyer Referral Line for information about resources for low-income people. Even if you do not hire a lawyer to represent you, a lawyer can look over your paperwork and give you advice on how to present your evidence and whether this type of action is right for you.

STEP 3: COPY, FILE, DELIVER WORKING PAPERS AND HAVE OTHER PARTY SERVED

Make 3 of copies of your Motion Packet (all the above-listed forms other than the proof of service form – make one copy of proof of service form).

Write "PROPOSED" in the upper right hand corner on the copies only of the Order of Default. Do not write this on the original of the Order of Default. **Bring the original of the Order of Default to your hearing.**

Originals	Copy Set #1	Copy Set #2	Copy Set #3
File with Clerk: <ul style="list-style-type: none"> • Note for Motion Docket • Motion and Declaration for Order of Default • Declaration Also file the original proof of service form (Declaration of Mailing or Delivery, or Return of Service) once it has been completed	Working Papers for delivery to Family Law Motions Coordinator: <ul style="list-style-type: none"> • Note for Motion Docket • Motion and Declaration for Order of Default • Declaration • Order of Default (PROPOSED) 	Serve other party with: <ul style="list-style-type: none"> • Note for Motion Docket • Motion and Declaration for Order of Default • Declaration • Order of Default (PROPOSED) 	Keep for your records and bring to the hearing: <ul style="list-style-type: none"> • Note for Motion Docket • Motion and Declaration for Order of Default • Declaration • Proof of service form • Order of Default (PROPOSED) • Order of Default (ORIGINAL)

File the originals of the following forms with the Clerk's Office:

- Note for Motion Docket
- Motion and Declaration for Default
- Declaration(s)

Deliver a copy of your motion packet (working papers) to the Family Law Coordinator. In the top right hand corner of the first page of your working papers write the following:

WORKING PAPERS
FAMILY LAW MOTIONS
DATE OF HEARING: _____
TIME: _____
NAME: _____
(Your Name)

Have the other party served with a copy your motion packet at least 14 days prior to the hearing (17 days if by mail). You may serve these papers by delivering or mailing them yourself to the other party (provided that no order restrains you from having contact). If you are hand delivering the documents to the other party, you must do so at least 14 days prior to the hearing. If you are mailing the documents to the other party, you must place the documents in the mail at least 17 days prior to the hearing. If the other party has an attorney, deliver or mail to the attorney instead, following the same time rules. If you prefer, you may have someone other than yourself who is at least 18 years old deliver or mail the documents. After you or another person have delivered or mailed your motion packet, the proof of service form, either a Declaration of Mailing or Delivery or Return of Service, must be completed and signed by the one who made the delivery or mailed the documents. Make one copy of this form for your records and file the original with the Clerk's Office. You may stamp your copy of this form with the Clerk's date stamp to indicate the date you filed the original.

Bring your own copy of the motion packet, PLUS the original Order of Default and the copy of the proof of service, to your hearing.

STEP 4: CONFIRM YOUR HEARING ONLINE, BY PHONE OR IN PERSON

Confirm Your Hearing Online anytime between 12:01 noon three days prior to your hearing and 12:00 noon two days prior to your hearing.

To confirm your hearing online, or to find out if the party who scheduled the hearing has confirmed it, visit <https://confirm.kingcounty.gov/> and follow the instructions provided there. You will need to know:

1. The Cause/Case Number for your case;
2. The Name of the Calendar on which the hearing is set;
3. The Time of the Calendar (morning or afternoon);
4. The Name of the Motion; and
5. The Name of your Attorney (if any).

You also will need to provide a contact email address and a contact phone number so the court can respond to your request.

Call and confirm your hearing 3 court days before the hearing between 2:30 p.m. and 4:15 p.m. or 2 court days before your hearing between 8:30 a.m. and 12:00 noon.

- Seattle (206) 477-1523
- Kent (206) 477-2750

IF YOU FAIL TO CONFIRM YOUR HEARING, IT WILL BE AUTOMATICALLY CANCELED.

Attend your hearing.....EXPECT THAT YOU MAY HAVE TO WAIT UP TO 3 HOURS FOR YOUR HEARING. SEATTLE CASES: DO NOT BRING CHILDREN WITH YOU TO YOUR HEARING. KENT CASES: THERE IS A CHILD CARE CENTER ON SITE AT THE REGIONAL JUSTICE CENTER. PLEASE CALL THE CHILD CARE CENTER AT (253) 854-5625 AT LEAST *ONE WEEK PRIOR* TO YOUR HEARING DATE TO SCHEDULE YOUR CHILD(REN) IF NECESSARY. *NOTE: CENTER USE IS RESTRICTED TO PARENTS/GUARDIANS WHO ARE CONDUCTING OFFICIAL BUSINESS IN THE COURTHOUSE.*****

Arrive at the Family Law window 30 minutes early to check in for your hearing.

Bring the following with you to your hearing:

- The original of the Order of Default;
- Your copy of the motion packet along with a copy of the proof of service.

If the other party does not appear or has not filed a response, you may ask the Court to sign your Order of Default.

If your spouse/partner files a response to your petition before or at the hearing, the Court will generally not sign the Order of Default. In that case, your dissolution can be finalized only if you reach a written agreement with your spouse/partner or you go to trial. If your spouse/partner files and serves a response on you before the hearing for default, you may choose to cancel your default hearing unless you, or your spouse/partner, have made a motion for other relief at that hearing.

After the hearing, make yourself a copy of whatever document(s) the Commissioner signed. If the other party was not present, make a copy and mail it to the other party.

All original orders signed by the commissioner must be filed in the Clerk's Office.

DO NOT LEAVE THE COURTHOUSE WITH THE ORIGINAL ORDER(S) SIGNED BY THE COMMISSIONER.

STEP 5: DOCUMENTS REQUIRED TO FINALIZE DISSOLUTION, LEGAL SEPARATION OR INVALIDITY ACTION IN EX PARTE IF ORDER OF DEFAULT IS ENTERED IN FAMILY LAW

The petitioner must have attended the Family Law Orientation, and, if the case involves minor children, the *What About the Children* parenting seminar, prior to finalization of the case.

The following must be completed and signed:

1. Findings of Fact/Conclusions of Law, [WPF DR 04.0300 \(Marriage\)](#) or [WPF DR 04.0305 \(Registered Domestic Partnership\)](#)
2. Decree, [WPF DR 04.0400 \(Marriage\)](#) or [WPF DR 04.0405 \(Registered Domestic Partnership\)](#)

If the case involves minor children, you will also need:

3. [Final Parenting Plan, WPF DR 01.0400](#)
4. [Order of Child Support, WPF DR 01.0500](#)
5. Washington State Child Support Worksheets WSCSS – [Worksheets \(Marriage\)](#) or [WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)

Even if you and your spouse/partner are requesting *no* child support, you must still complete the Worksheets and an Order of Child Support, according to Washington State law (RCW 26.19.035).

If child support is requested and any of the children have ever been on public assistance, you must have a Deputy Prosecuting Attorney with the Family Support Section sign the Order of Child Support, WPF DR 01.0500, prior to the final hearing.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and give you legal advice, but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association.